

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

v.

*

Crim. No. JKB-25-0131

SANTOS ISOEL CABALLERO-JONES,

*

Defendant.

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MEMORANDUM AND ORDER

For the reasons stated in open court on June 5, 2025, the Government's Motion to Review Release Order and Motion to Stay Release Order Pending Review, (ECF No. 12), is GRANTED IN PART and DENIED IN PART. It is granted insofar as it seeks review of the order of the U.S. Magistrate Judge setting the Defendant's conditions of release, (ECF No. 11). It is denied otherwise. The release order, (ECF No. 11), is AFFIRMED, subject to the modifications described below.

During the June 5 emergency review hearing, the Government represented that the Defendant has an active immigration detainer from Immigration and Customs Enforcement. Further, government counsel and the U.S. Marshals Service each proffered that if the Defendant was "released" in this criminal case, the Government would immediately take him into custody and hold him under the Government's authority to regulate immigration. For that reason, in addition to the Magistrate Judge's reasons, the Court will affirm the Magistrate Judge's finding that, if ordered released, the Defendant does not pose a flight risk under the Bail Reform Act of 1984, 18 U.S.C. §§ 3141–50, as well as the Magistrate Judge's directive that the Defendant be released from the pretrial custody of the U.S. Marshals Service, (*see* ECF No. 11).

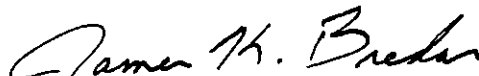
The Defendant cannot flee if he is in jail, and “ICE Processing Centers” and “Detention Centers” are most certainly secure facilities, *i.e.*, “jails.” In light of the immigration detainer, as a further condition of release, the undersigned also DIRECTS the Defendant to submit, immediately upon the entry of this Order, to the custody of the federal immigration authorities. Should the immigration authorities release the Defendant from their custody, the Defendant will then no longer be in compliance with the conditions of his release, and the Court will then entertain a government motion to revoke this release order and reconsider whether the Defendant’s new circumstances warrant detention in this case.

Pursuant to 18 U.S.C. § 3142(c)(1)(B) and (e), the Court finds that there is a condition of release that will reasonably assure the presence of the Defendant for further proceedings in this case, *i.e.*, the Defendant’s submission to his detention by ICE pursuant to its authority and stated intention to detain him as an undocumented alien. Upon such finding, and while underlying circumstances supporting the finding remain unchanged, the Defendant’s pretrial detention would be unlawful. *See* 18 U.S.C. § 3142(e).

Accordingly, the Defendant is ORDERED RELEASED on the above condition that he submit to detention by ICE, and on the other conditions set out in the Magistrate Judge’s order, (ECF No. 11), to the extent they are not in conflict with this order. The Magistrate Judge’s order of release, (ECF No. 11), is AFFIRMED AS MODIFIED.

DATED this 6 day of June, 2025.

BY THE COURT:


James K. Bredar
United States District Judge